

Appn. No. 09/939,267

Attorney Docket No. 10541-466

**II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1-26 remain pending. Claim 20 was cancelled and the limitations, thereof, were incorporated into claim 1.

***Claim Rejections - 35 U.S.C. §103(a)***

Claims 1-2, and 5-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,323,598B1 to Guthrie, et al. (Guthrie) in view of U.S. Patent 6,724,156B2 to Fregoso (Fregoso) and U.S. Patent 6,150,771 to Perry (Perry).

Claims 1 and 21 are directed to an apparatus for providing backlighting to an LCD or similar display. However, in the examiner's rejection, he has chosen to combine discrete elements from very different systems that could not operate together without significant modification. For example, the primary reference, Guthrie, relates to replacing incandescent bulbs for the illumination of indicators in an aircraft cockpit. While secondary references, Fregoso and Perry, are related to a surgical lamp and a traffic light, respectively. In addition, with respect to claim 8, the examiner relies on a circuit from a vehicle turn signal. Therefore, the features noted by the examiner cannot be simply applied to the instant application of a backlight display to achieve the same effect without significant modification. For example, Guthrie is concerned with providing the maximum



BRINKS  
HOFER  
GILSON  
& LIONE  
PO Box 10395  
Chicago, IL 60610

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dimming range for the LEDs, while Fregoso drives LEDs at maximum current to provide a very high luminance in a parallel configuration (Col. 3, line 1-4).

The examiner bears the burden of establishing the *prima facia* case of obviousness, and "[f]or the teachings of a reference to be prior art under Section 103, there must be some basis for concluding that the reference would have been considered by one skilled in the particular art working on the pertinent problem to which the invention pertains." *In re Horn*, 203, USPQ 969, 971. In the instant rejection, only the Sakaguchi reference, applied to claim 20, is related to a backlight display. However, Sakaguchi does not provide any teaching or suggestion for the combination of the references as provided by the examiner. "The examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made." MPEP §2142. The examiner must refrain from using hindsight, and consider the subject matter claimed "as a whole." When looked at as a whole, it would not have been obvious to extract elements from traffic light, turn signal, and license plate designs in designing a backlight display. Therefore, the applicants respectfully submit that the combination of the references is improper.

Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie in view of Fregoso.

Claim 27 has been cancelled.

Claims 3, 8-10, and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie in view of Fregoso, Perry as applied to claim 1



BRINKS HOFER GILSON & LIONE  
PO Box 10395  
Chicago, IL 60610

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above, and further in view of U.S. Patent 6,362,578B1 to Swanson, et al. (Swanson).

Claims 3, 8-10, and 16-17 depend from claim 1, and are, therefore, patentable for at least the same reasons as claim 1.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie and Fregoso, Perry as applied to claim 1 above, and further in view of U.S. Patent 5,978,468 to Boakes (Boakes).

Claim 4 depends from claim 1, and is, therefore, patentable for at least the same reasons as claim 1.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie, Fregoso and Swanson as applied to claim 9 above, and further in view of U.S. Patent 6,075,595 to Malinen (Malinen).

Claim 11 depends from claim 9, and is, therefore, patentable for at least the same reasons as claim 1.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie, Fregoso, Perry and Swanson as applied to claim 11 above, and further in view of U.S. Patent 5,555,583 to Berkcan (Berkcan).

Claim 12 depends from claim 11, and is, therefore, patentable for at least the same reasons as claim 1.

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie, Fregoso, Perry and Swanson as applied to claim 12 above, and further in view of U.S. Patent 5,712,922 to Loewenthal, et al. (Loewenthal).



BRINKS HOFER GILSON & LIONE  
PO Box 10395  
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**Claim 13 depends from claim 12, and is, therefore, patentable for at least the same reasons as claim 1.**

**Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie, Fregoso, Perry and Swanson as applied to claim 9 above, and further in view of U.S. Patent 6,084,519 to Coulling, et al. (Coulling).**

**Claim 14 depends from claim 9, and is, therefore, patentable for at least the same reasons as claim 1.**

**Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie, Fregoso, Perry, Swanson and Coulling as applied to claim 14 above, and further in view of U.S. Patent 6,130,700 to Murayama, et al. (Murayama).**

**Claim 15 depends from claim 14, and is, therefore, patentable for at least the same reasons as claim 1.**

**Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,105,179 to Smith (Smith) in view of Guthrie and Perry.**

**Claim 21 is also related to an apparatus for controlling a backlight display. Again, the primary reference is related to an electronic license plate and not related to the invention as provided in claim 21. Therefore, the arguments supplied above with respect to claim 1 is equally applicable to claim 21.**

**Claims 22-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Perry and Guthrie as applied to claim 21 above, and further in view of Swanson.**



BRINKS HOFER GILSON & LIONE  
PO Box 10395  
Chicago, IL 60610

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Claims 22 and 23 depends from claim 21, and are, therefore, patentable for at least the same reasons as given above in support of claim 21.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Perry, Guthrie and Swanson as applied to claim 23 above, and further in view of U.S. Patent 5,924,784 to Chliwnyj, et al. (Chliwnyj).

Claim 24 depends from claim 23 and is, therefore, patentable for at least the same reasons as given above in support of claim 21.

Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,411,046B1 to Muthu (Muthu) in view of Guthrie and Perry.

Claim 25 is related to a method for controlling a backlight display. Therefore, the arguments supplied above with respect to claim 1 is equally applicable to claim 25.

Claim 26, was rejected under 35 U.S.C. §103(a) as being unpatentable over Muthu, Perry and Guthrie as applied to claim 25 above, and further in view of Fregoso.

Claim 26 depend from claim 25, and is, therefore, patentable for at least the same reasons as claim 25.

#### *Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of



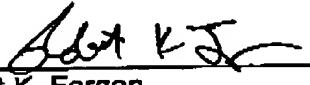
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PO Box 10395  
Chicago, IL 60610

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record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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Robert K. Fergan  
Reg. No.: 51,674  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(734) 302-6000



BRINKS HOFER GILSON & LIONE  
PO Box 10395  
Chicago, IL 60610